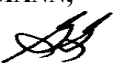




ZONING BOARD OF ADJUSTMENT AND APPEALS

AGENDA REQUEST

AGENDA OF:	10-20-10	AGENDA REQUEST NO:	II-A
INITIATED BY:	NELDA MCGEE, EXECUTIVE SECRETARY	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DEPARTMENT HEAD:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DEPARTMENT. HEAD (S):	N/A
SUBJECT / PROCEEDING:	MINUTES ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING SEPTEMBER 15, 2010 APPROVE MINUTES		
EXHIBITS:	MINUTES SEPTEMBER 15, 2010		
CLEARANCES		APPROVAL	
LEGAL:	N/A	INTERIM PLANNING DIRECTOR:	DOUG SCHOMBURG
RECOMMENDED ACTION			
Approve the minutes of the Zoning Board of Adjustment and Appeals meeting September 15, 2010.			

EXHIBITS

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

CITY OF SUGAR LAND ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, SEPTEMBER 15, 2010

The City of Sugar Land Zoning Board of Adjustment and Appeals convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Wednesday, September 15, 2010 at 5:00 o'clock P.M., and the roll was called of the members to wit:

Kathy Huebner, Chair
E.G. (Bud) Friedman, Vice Chair
Deloise Holmes, Jr.
Allen Lazor
Gregory Schmidt
Vivian Camacho, Alternate
John Novak, Alternate
Deron Patterson, Alternate

QUORUM PRESENT

All of said members were present, with the exception of *Mr. Allen Lazor*, *Mr. Deloise Holmes*, and *Ms. Vivian Camacho*, who were absent.

Also present were:

Doug Schomburg, Interim Planning Director
Aaron Dobbs, Assistant City Attorney
Nelda McGee, Executive Secretary, and
A Number of Visitors and Planning Staff

CONVENE MEETING

Chairman Huebner convened the session, open to the public, to order at 5:00 o'clock P.M.

MINUTES

Chairman Huebner introduced consideration on the minutes of the Zoning Board of Adjustment and Appeals meeting held July 28, 2010.

MINUTES (CONTINUED)

Following a full and complete discussion, **Mr. Novak**, seconded by **Mr. Friedman**, made a motion to approve the minutes of the Zoning Board of Adjustment and Appeals meeting held July 28, 2010. The motion carried unanimously.

PUBLIC HEARING

3110 HICKORY RUN DRIVE

Chairman Huebner introduced the public hearing to receive and hear all persons desiring to be heard on a request for Special Exception to the rear yard setback requirement for 3110 Hickory Run Drive, Block 3, Lot 7, Colony Park, in the Standard Single-Family (R-1) Residential District.

Ms. Ruth Lohmer, Senior Planner stated the subdivision was platted in 1983, annexed in 1991, zoned Single Family Residential (R-1); the special exception is for a proposed patio cover. The property is located near the intersection of Sweetwater Boulevard and Austin Parkway.

Recorded covenants and restrictions require the building be located outside the 8-foot utility easement; R-1 zoning requires the primary structure have a 15-foot rear setback. The proposed patio cover will connect the garage to the home; the garage does not meet the 15-foot rear setback requirement. Granting the Special Exception will allow the structure to meet the deed restricted 8-foot utility easement setback.

The majority of area homes meet the required setback; the addition appears architecturally compatible with the neighborhood and will not extend further into the required setback; the subdivision was developed prior to annexation and zoning.

The first three Special Exception criteria have been met:

1. Property was platted prior to annexation
2. Recorded restrictions are less restrictive than setbacks per zoning
3. Special Exception is not less restrictive than recorded restrictions

Staff found no apparent issues with the fourth criterion:

4. Detrimental to public welfare or injurious to neighborhood

All requirements for the public hearing have been met; three informational inquiries were received; staff is not aware of any opposition.

Staff recommends approval of the Special Exception with the condition that construction be in compliance with the site plan and elevations.

Chairman Huebner opened the public hearing for a Special Exception to the rear yard setback requirement for 3110 Hickory Run Drive.

PUBLIC HEARING (CONTINUED)

3110 HICKORY RUN DRIVE

The applicant did not address the Board.

Chairman Huebner entertained comments from the public; hearing no requests to speak, the public hearing was closed.

SPECIAL EXCEPTION

3110 HICKORY RUN DRIVE

Chairman Huebner introduced consideration on the Special Exception to the rear yard setback requirement for 3110 Hickory Run Drive.

There being no discussion on the four criteria required to grant the Special Exception, *Chairman Huebner* entertained a motion.

Mr. Novak, seconded by *Mr. Friedman*, made a motion to find that all four criteria have been met; that the statements under Section 2-50, Subsection (a) of the Sugar Land Development Code have been met; and to approve the Special Exception to the rear yard setback requirement for 3110 Hickory Run Drive, Block 3, Lot 7, Colony Park, with the condition construction be in compliance with the site plan and elevation as submitted. The motion carried unanimously.

PUBLIC HEARING

1410 SUGAR CREEK BOULEVARD

Chairman Huebner introduced the public hearing to receive and hear all persons desiring to be heard on a request for Special Exception to the rear yard setback requirement for 1410 Sugar Creek Boulevard, Block 5, Lots 93 and 94, Sugar Creek Section 23, in the Standard Single-Family (R-1) Residential District.

Ms. Ruth Lohmer, Senior Planner stated the residential lot was platted in 1976, annexed in 1984, and zoned Single Family Residential (R-1); the special exception is for a proposed covered deck in the back of the property.

Recorded covenants and restrictions require a 5-foot rear setback; R-1 zoning requires a 15-foot rear setback; the proposed covered deck will be approximately 6.5 feet from the rear property line. Granting the Special Exception will allow the primary structure and the constructed covered deck to meet the original 5-foot setback.

The majority of area homes do not meet the required rear yard setback; the addition appears architecturally compatible with the neighborhood; the subdivision was developed prior to annexation and zoning.

PUBLIC HEARING (CONTINUED)

1410 SUGAR CREEK BOULEVARD

The first three Special Exception criteria have been met:

1. Property was platted prior to annexation
2. Recorded restrictions are less restrictive than setbacks per zoning
3. Special Exception is not less restrictive than recorded restrictions

Staff found no apparent issues with the fourth criterion:

4. Detrimental to public welfare or injurious to neighborhood

All requirements for the public hearing have been met; sixteen informational inquiries were received; staff is not aware of any opposition.

Staff recommends approval of the Special Exception with the condition construction be in compliance with the site plan and elevations.

Chairman Huebner opened the public hearing for a Special Exception to the rear yard setback requirement for 1410 Sugar Creek Boulevard.

Mr. Jay Roberts, Applicant, was sworn in and addressed the Board, stating the property backs up to a reserve of land; it is open in the back and adjoins the golf course. The corner of the house is currently 6 feet off the property line; utilities are not shown in the easement on the plan, and may be located in the reserve; there is adequate room for the addition.

Chairman Huebner entertained comments from the public; hearing no requests to speak, the public hearing was closed.

SPECIAL EXCEPTION

1410 SUGAR CREEK BOULEVARD

Chairman Huebner introduced consideration on the Special Exception to the rear yard setback requirement for 1410 Sugar Creek Boulevard.

Mr. Schmidt commented that the 6.5 feet dimension on the site plan is perpendicular to the structure, not the property line and asked for clarification on the building line. Ms. Lohmer stated the line on the plan is the 5-foot utility easement; the 6.5 feet would be perpendicular to the property line.

There being no further discussion on the four criteria required to grant the Special Exception, **Chairman Huebner** entertained a motion.

SPECIAL EXCEPTION (CONTINUED)

1410 SUGAR CREEK BOULEVARD

Mr. Patterson, seconded by *Mr. Schmidt*, made a motion to find that all four criteria have been met; that the statements under Section 2-50, Subsection (a) of the Sugar Land Development Code have been met; and to approve the Special Exception to the rear yard setback requirement for 1410 Sugar Creek Boulevard, Block 5, Lots 93 and 94, Sugar Creek Section 23, with the condition that construction be in compliance with the site plan and elevation as submitted. The motion carried unanimously.

PUBLIC HEARING

4314 ST. MICHAEL'S COURT

Chairman Huebner introduced the public hearing to receive and hear all persons desiring to be heard on a request for Special Exception to the rear yard setback requirement for 4314 St. Michael's Court, Block 4, Lot 7, Commonwealth Estates Section 1, in the Restricted Single Family (R-1R) Residential District.

Ms. Ruth Lohmer, Senior Planner stated the residential lot was platted in 1990, annexed in 1997, zoned Restricted Single Family Residential (R-1R); the special exception is for a proposed patio cover. The property is located on St. Michael's Court near Commonwealth Boulevard.

Recorded covenants and restrictions require the building be located outside of the 8-foot utility easement; R-1R zoning requires a 30-foot rear setback; the proposed patio cover will connect the home to the garage; the garage does not meet the 30-foot rear yard setback and would not be 10 feet from the home. Granting the Special Exception will allow the structure to meet the deed restricted 8-foot utility easement setback.

Some area homes do not meet the required rear yard setback; the addition appears architecturally compatible with the neighborhood; the subdivision was developed prior to annexation and zoning.

The first three Special Exception criteria have been met:

1. Property was platted prior to annexation
2. Recorded restrictions are less restrictive than setbacks per zoning
3. Special Exception is not less restrictive than recorded restrictions

Staff found no apparent issues with the fourth criterion:

4. Detrimental to public welfare or injurious to neighborhood

All requirements for the public hearing have been met; ten informational inquiries were received; staff is not aware of any opposition.

PUBLIC HEARING (CONTINUED)

4314 ST. MICHAEL'S COURT

Staff recommends approval of the Special Exception with the condition construction be in compliance with the site plan and elevations.

Chairman Huebner opened the public hearing for a Special Exception to the rear yard setback requirement for 4314 St. Michael's Court.

The applicant did not address the Board.

Chairman Huebner entertained comments from the public; hearing no requests to speak, the public hearing was closed.

SPECIAL EXCEPTION

4314 ST. MICHAEL'S COURT

Chairman Huebner introduced consideration on the Special Exception to the rear yard setback requirement for 4314 St. Michael's Court.

There being no discussion on the four criteria required to grant the Special Exception, *Chairman Huebner* entertained a motion.

Mr. Schmidt, seconded by *Mr. Novak*, made a motion to find that all four criteria have been met; that the statements under Section 2-50, Subsection (a) of the Sugar Land Development Code have been met; and to approve the Special Exception to the rear yard setback requirement for 4314 St. Michael's Court, Block 4, Lot 7, Commonwealth Estates Section 1, in the Restricted Single Family (R-1R) Residential District, with the condition that construction be in compliance with the site plan and elevation as submitted. The motion carried unanimously

PUBLIC HEARING

3906 COLONY WOODS DRIVE

Chairman Huebner introduced the public hearing to receive and hear all persons desiring to be heard on a request for Special Exception to the rear yard setback requirement for 3906 Colony Woods Drive, Block 2, Lot 1, Colony Woods Section 1, in the Restricted Single Family Residential (R-1R) District.

Ms. Harold Ellis, Planner II stated the residential lot was platted in 1988, annexed in 1997, and zoned Restricted Single Family Residential (R-1R); the applicants are proposing a patio cover in the rear of the house. The property is located in the Sweetwater area, north of Palm Royale Boulevard.

PUBLIC HEARING (CONTINUED)

3906 COLONY WOODS DRIVE

Recorded covenants and restrictions require a 15-foot rear yard setback; current R-1R zoning requires a 30-foot rear setback; the proposed patio cover will be approximately 15 feet from the rear property line. Granting the Special Exception will allow the primary structure to meet the 15-foot rear yard setback and align with the rear of the house.

The majority of area homes do not meet the required rear yard setback; the addition appears architecturally compatible with the neighborhood; the subdivision was developed prior to annexation and zoning.

The first three Special Exception criteria have been met:

1. Property was platted prior to annexation
2. Recorded restrictions are less restrictive than setbacks per zoning
3. Special Exception is not less restrictive than recorded restrictions

Staff found no apparent issues with the fourth criterion:

4. Detrimental to public welfare or injurious to neighborhood

All requirements for the public hearing have been met; one informational inquiry was received; staff is not aware of any opposition.

Staff recommends approval of the Special Exception with the condition construction be in compliance with the site plan and elevations.

Chairman Huebner opened the public hearing for a Special Exception to the rear yard setback requirement for 3906 Colony Woods Drive.

The applicant did not address the Board.

Chairman Huebner entertained comments from the public; hearing no requests to speak, the public hearing was closed.

SPECIAL EXCEPTION

3906 COLONY WOODS DRIVE

Chairman Huebner introduced consideration on the Special Exception to the rear yard setback requirement for 3906 Colony Woods Drive.

There being no discussion on the four criteria required to grant the Special Exception, **Chairman Huebner** entertained a motion.

SPECIAL EXCEPTION (CONTINUED)

3906 COLONY WOODS DRIVE

Mr. Friedman, seconded by *Mr. Schmidt*, made a motion to find that all four criteria have been met; that the statements under Section 2-50, Subsection (a) of the Sugar Land Development Code have been met; and to approve the Special Exception to the rear yard setback requirement for 3906 Colony Woods Drive, Block 2, Lot 1, Colony Woods Section 1, in the Restricted Single Family Residential (R-1R) District, with the condition construction be in compliance with the site plan and elevations as submitted. The motion carried unanimously

CHAIRMAN COMMENT

Chairman Huebner stressed the importance of attendance at the Zoning Board of Adjustment and Appeals meetings and encouraged all members and alternates to attend every meeting.

Mr. Patterson asked if the Board has considered conducting meetings on a fixed date. *Mr. Aaron Dobbs, Assistant City Attorney* suggested putting the topic on the agenda for the next meeting; the Government Code, Open Meetings Act does not permit discussion on any subject without public notice.

ADJOURN

There, being no further business to come before the Board, *Mr. Novak* seconded by *Mr. Friedman* moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 5:26 o'clock P.M.

Kathy Huebner, Chairman

Glenda Gundermann, City Secretary

(SEAL)